

## INFORMATION PAPER

**SUBJECT: Acceptance of Travel and Related Benefits from A Non-Federal Source Pursuant to 31 U.S.C. §1353**

1. **PURPOSE.** To provide information to personnel assigned to AMEDDC&S and Fort Sam Houston on the rules and procedures for accepting an offer from a non-Federal source to pay travel, subsistence, and related expenses with respect to attendance of the employee at any conference, seminar, meeting, or similar function relating to the official duties of the employee.

2. **FACTS.** Universities, professional associations, or private companies often offer to pay travel and related expenses for personnel to attend a conference, meeting, or similar function on a subject that relates to their official duties. Although such payment is a gift for the performance of official duties, Congress allows the Government to accept such gifts under strict conditions and procedures. Potential travelers must know the rules or risk paying all of the expenses themselves. Travel Approval Authorities must also know what to consider in making a determination that the Government may accept the gift.

### 3. RULES.

- a. You may not solicit an offer; it must be voluntary.
- b. The non-Federal source is not disqualified due to a conflict of interests.
- c. Approval of the Travel Approving Authority and Ethics Counselor should be obtained before the offer is accepted. Otherwise, you, the traveler, run the risk of having to reimburse the non-Federal source.
- d. If the Army did not authorize acceptance of any payment from a non-Federal source prior to your travel, you may accept, on behalf of the Army, payment for the types of travel expenses that are authorized by your travel orders and within the maximum allowances authorized, providing:
  - (1). You request your travel approving authority's acceptance of these benefits within 7 working days after your trip ends; and
  - (2). If the Army does not authorize acceptance of the travel benefits from the non-Federal source, you or the Army reimburse the non-Federal source.
- e. The meeting or similar function relates to your official duties.
- f. The meeting or similar function takes place away from your official duty station.
- g. It is inappropriate to accept travel, which exceeds three weeks in duration.
- h. You may not accept travel benefits to attend a meeting or similar function that is required to carry out the agency's statutory or regulatory functions (that is, a function that is essential to an agency's mission) such as investigations, inspections, audits, site visits, negotiations, or litigation.

i. Do not accept travel benefits to attend a meeting which amounts to promotional vendor training or is held for the primary purpose of marketing the non-Federal source's products/services.

j. You may not accept cash payments on behalf of the Government. Payments shall be either in kind or by check made payable to the Government.

k. Invitations for spousal travel must be approved by the Administrative Assistant to the Secretary of the Army. The accompanying spouse's presence must support the mission of the Army or substantially assist you in carrying out your official duties.

**4. PROCEDURES.** Processing an offer requires the following:

a. The individual being invited to travel must submit the written offer of travel benefits and a memorandum to the Travel Approval Authority. The memorandum must explain how the travel relates to the individual's official duties, is in the best interests of the United States, and how attendance will not undermine the integrity of Army programs or operations. The Travel Approving Authority has the authority to accept the offer subject to the concurrence of the Ethics Counselor.

b. The Travel Approving Authority must do a "conflict of interests analysis" to determine that acceptance, under the circumstances, would not cause a reasonable person, with knowledge of all the relevant facts, to question the integrity of Army programs or operations. A sample Memorandum for Record (MFR), which may be used as a guide in recording the decision, is enclosed. The analysis must consider such matters as:

- the identity of the non-Federal source;
- the nature and purpose of the meeting, conference, etc.;
- the identity of the other participants;
- the nature and sensitivity of any matters pending in the Army which could affect the interests of the non-Federal source;
- the significance of the traveler's role in such matters; and
- the monetary value and character of the travel benefits.

c. The Travel Approval Authority must forward the MFR, the individual's memorandum, and any additional information that explains the event, to the Ethics Counselor for concurrence.

d. The Ethics Counselor must concur in the decision or the offer may not be accepted.

e. Once authorized, the Government may accept either payment "in-kind" (i.e. prepaid tickets, lodging, airline tickets, meals, etc.) or a check. The traveler may never accept cash, but may accept a check on behalf of the Army made payable to the Department of the Army. It is preferable that these benefits be furnished "in-kind", rather than by subsequent reimbursement.

f. If travel benefits are accepted totaling \$250 or more, the traveler must submit a report within 30 days of the travel through the Travel Approval Authority to the Ethics Counselor. A copy of this report, showing the required format, is enclosed.

Nonconcur \_\_\_\_

(Office Symbol)

\_\_\_\_\_  
(Date)

MEMORANDUM FOR Ethics Counselor, Administrative and Civil Law Division, Staff Judge Advocate, AMEDDC&S and Fort Sam Houston, ATTN: MCCS-BJA-AL (Stop 19), Fort Sam Houston, Texas 78234

**SUBJECT: REPORT OF PAYMENT OF TRAVEL & RELATED EXPENSES  
ACCEPTED FROM NON-FEDERAL ENTITIES**

**Employee's Name & Rank/Grade:** \_\_\_\_\_

**Command/Organization:** \_\_\_\_\_

**Employee's Position:** \_\_\_\_\_

**Spouse's Name (if applicable):** \_\_\_\_\_

**EVENT**

**Nature/Title of Event:** \_\_\_\_\_

**Sponsor:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Dates: From** \_\_\_\_\_ **To** \_\_\_\_\_

**TYPE OF DONATION**

**Donating Organization:** \_\_\_\_\_

**Total Amount (Payments In-Kind and By Check):** \_\_\_\_\_

**Amount of Payments In-Kind:** \_\_\_\_\_ (Pre-paid conference fees, lodging, airline tickets, meals, etc.)

**Total For Employee:** \_\_\_\_\_ **Total For Spouse:** \_\_\_\_\_

**Itemized In-Kind Expenses:**      **Itemized In-Kind Expenses:**

**Hotel:** \_\_\_\_\_ **Hotel:** \_\_\_\_\_

**Airline:** \_\_\_\_\_ **Airline:** \_\_\_\_\_

**Meals:** \_\_\_\_\_ **Meals:** \_\_\_\_\_

(Office Symbol)

**SUBJECT: REPORT OF PAYMENT OF TRAVEL & RELATED EXPENSES  
ACCEPTED FROM NON-FEDERAL ENTITIES**

(Amount of Payments In-Kind, continued)

Other: \_\_\_\_\_ Other: \_\_\_\_\_

**Amount of Payments by Check:** \_\_\_\_\_

**Total For Employee:** \_\_\_\_\_ **Total For Spouse:** \_\_\_\_\_

**Itemized Expenses:**                      **Itemized Expenses:**

Hotel: \_\_\_\_\_ Hotel: \_\_\_\_\_

Airline: \_\_\_\_\_ Airline: \_\_\_\_\_

Meals: \_\_\_\_\_ Meals: \_\_\_\_\_

Other: \_\_\_\_\_ Other: \_\_\_\_\_

I certify that the statements on this report are true, complete, and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Traveler                      Date of signature

\_\_\_\_\_  
Signature of Travel Authority                      Date of signature

\_\_\_\_\_  
Signature of Ethics Counselor                      Date of signature

**SUBMIT REPORT TO YOUR ETHICS COUNSELOR WITHIN 30 DAYS OF TRAVEL**